



U.S. Department of Justice

United States Attorney  
 Southern District of New York

The Silvio J. Mollo Building  
 One Saint Andrew's Plaza  
 New York, New York 10007

September 15, 2022

SO ORDERED.

**BY ECF**

The Honorable Alvin K. Hellerstein  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007

/s/ Alvin K. Hellerstein  
 September 21, 2022

**Re:    *United States v. George Guld and Victoria Davidson,*  
 19 Cr. 126 (AKH)**

Dear Judge Hellerstein:

The Government respectfully submits this letter on behalf of all parties in the above-captioned matter to inform the Court that the parties have agreed to the following pretrial disclosure and filing deadlines in advance of the October 19, 2022 trial date, which they request that the Court adopt:

- |                     |   |
|---------------------|---|
| September 19, 2022: | Expert disclosures, if any.<br>Rule 404(b) notice, if any.  |
| September 30, 2022: | Government's 3500 material.<br>Rebuttal expert disclosures, if any.   |
| October 7, 2022:    | Government's case-in-chief exhibit and witness lists. <sup>1</sup><br>Defendants' exhibit and witness lists. <sup>2</sup> |
| October 13, 2022:   | Final pretrial conference.  |

<sup>1</sup> All references to witness and exhibit lists are subject to good-faith revisions as the parties continue to prepare their cases for trial.

<sup>2</sup> Counsel for both defendants have represented to the Government that they do not presently intend to introduce exhibits during the Government's case-in-chief, other than to the extent that they use an exhibit solely for impeachment and thereafter seek its admission on that basis. If this intention changes, defense counsel will provide the Government with a list of exhibits that they may seek to introduce during the Government's case-in-chief for purposes other than impeachment, no later than one business day prior to seeking such admission, so that the parties may confer and seek to narrow or moot potential disputes and bring any remaining disputes to the Court prior to the trial day commencing, so as to maximally respect the jury's time.

October 19, 2022: Trial.

At least two business days prior to the anticipated start of each defense case: Defendants' Rule 26.2 material.

With respect to the deadlines for *voir dire*, requests to charge, motions *in limine*, and motions *in limine* responses, if any, the parties have differing requests:

The Government requests that *voir dire*, requests to charge, and motions *in limine* be due September 30, 2022, and that motions *in limine* responses, if any, be due October 7, 2022.

The defendants request that *voir dire*, requests to charge, and motions *in limine* be due October 5, 2022, and that motions *in limine* responses, if any, be due October 12, 2022.

The parties recognize that their respective 3500 and Rule 26.2 obligations are continuing, so when new material is generated after the pertinent deadline described above, such material will be timely provided, *i.e.*, generally less than 24 hours after it is generated, and at least 12 hours prior to the witness to whom it applies next taking the stand.<sup>3</sup> The parties have also agreed that, consistent with Rule 26.2(c), if the parties intend to withhold any such material on the ground of privilege or work-product, they will provide that material to the Court for timely review.

In addition to the schedule above, the parties have also conferred and reached agreement regarding the following issues, which are designed to narrow or moot potential disputes, specifically: (1) sharing any visuals or slides to be used in opening statements, at least one business day before such statements; and (2) alerting the opposing party to (a) the next day's witnesses, in anticipated order, and (b) the exhibits expected to be sought to be introduced through those witnesses, at least 24 hours before calling or cross-examining such witnesses, and the party or parties to whom such disclosure is made will provide any objections to such exhibits as quickly as possible, so that the parties may confer and then be prepared, if necessary, to raise any objections with the Court prior to the relevant witness taking the stand.

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<sup>3</sup> The parties agree that if the 3500 or Rule 26.2 material is generated less than 12 hours before the witness next takes the stand, it shall be produced as soon as practicable after its generation.

Finally, both the Government and the defense anticipate timely agreeing to stipulations to avoid the need to call custodians of records or otherwise to authenticate evidence or the accuracy of transcripts, and the parties agree that the dates set forth herein do not alter the parties' reciprocal discovery obligations pursuant to Rules 16 and 17 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

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cc: Counsel of Record (by ECF)